

REMARKS

This Response is submitted in response to the Final Office Action mailed September 27, 2004. Claims 1 to 23, 25 to 27 and 29 to 34 were previously pending in this application. Claims 1 to 23, 25 to 27 and 29 to 34 were rejected. Claims 35 to 37 stand allowed. Claims 1, 12, 14, 15, 18, 19, 21 and 25 to 27 are being amended and Claims 38 and 39 are being added by way of this response.

A Request for Continued Examination ("RCE") and a petition for a two month extension of time is submitted herewith. A check in the amount of \$1,240.00 is submitted herewith to cover the cost of the RCE, the two month extension, and the additional claims. Please charge Deposit Account No. 02-1818 for any insufficiency of payment or to credit any overpayment.

As an initial matter, applicant would like to thank the Examiner for the telephonic interview conducted on January 6, 2005. During that interview the Examiner indicated that the rejected claims would distinguish over Geddes if the rejected claims were amended to clarify that betting more on a payline increases the odds of achieving a particular combination of indicia (e.g., cherry-cherry-cherry) instead of merely achieving any winning combination. Per the Examiner's suggestion, each of the rejected independent claims have been so amended.

The Office Action rejected Claims 1 to 3, 6, 12 to 18, 21, 22 and 24 to 28 under 35 U.S.C. § 103(a) as being unpatentable over the Multi-Bell Seven Way slot machine of 1936 ("Multi-Bell") shown and described at pages 120, 127 and 138 of Geddes et al., Slot Machines On Parade ("Geddes") in view of *The Theory of Gambling and Statistical Logic*, pages 117 and 118 ("Epstein"). Claims 4, 5, 8, 9, 10, 11 and 19 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Geddes and Epstein in further view of U.S. Patent No. 5,380,007 to Travis et al. ("Travis"). Claims 7, 23, 25 to 27, 29 and 30 to 34 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Geddes and Epstein in further view of U.S. Patent No. 6,334,612 to Wurz et al. ("Wurz").

Claims 35 to 37 stand allowed.

Independent claims 1, 12, 15, 18, 25 as presently presented overcome Geddes. The Multi-Bell machine of Geddes is a mechanical slot-type gaming device. As

provided in the Applicants' previous response, a color photograph provided on page 127 clearly highlights the features of the Multi-Bell machine. Pertinent portions of *Geddes* are as follows:

The A. C. Novelty Multi-Bell, which came out in 1936, was a three-reel version of the Mills Brownie. The seven coin entries on the machine corresponded to six different fruit symbols and a bar on which the player could bet any combination of them. The winning symbol was determined by the outcome of the first reel while the odds of that winner were determined by the third reel (the odds ranged between two-to-one to twenty-to-one) and if the same symbol appeared on all three reels on the center line, a jackpot was dispensed.

The written disclosure of the Multi-Bell machine and the color photograph clarify certain features of the Multi-Bell machine. First, the left-most reel determined the winning symbol. Each wagerable number was associated with a symbol, e.g., fruit, bell or bar. Those symbols appear on the left-most reel in the photograph. A sign or message "winning number" along with an arrow pointing to the left-most reel is also shown in the picture.

The third reel of Multi-Bell machine determined the payback associated with a winner. The paybacks ranged from two-to-one to twenty-to-one. A sign next to the third reel as seen in the photograph states "odds paid" and includes an arrow pointing to the third reel.

The player could choose to wager on any or all of the seven different symbols by depositing a coin in the associated symbol slot at the top of the machine. For example, if the player deposited a nickel in the sixth coin slot (the apple symbol), and the first reel landed on the sixth symbol (the apple symbol), and the third reel landed on the four, then the player would win twenty cents (i.e., four times five cents).

The middle reel as disclosed on page 120 was provided to help determine whether the player won a jackpot award. If the wagered numbers/symbols appeared along the single payline of Multi-Bell machine, and the player deposited a coin in the appropriate slot for that symbol, the player won the jackpot award.

The Multi-Bell machine of *Geddes* does not teach or suggest independent Claims 1, 12, 15, 18 and 25 as presently presented. Specifically, each of these claims recites a gaming device wherein the odds of obtaining a particular symbol or combination of

symbols on a designated payline changes based on one or more wagerable components. For example, the odds of obtaining the winning jackpot combination on a particular payline (e.g., AAAAA) may change from 100,000:1 to 50,000:1 based on the number of coins wagered on that payline (see page 21).

The Multi-Bell machine of Geddes does not teach or suggest changing the odds of obtaining a particular symbol or combination of symbols on a particular payline. The odds of obtaining a particular symbol or combination of symbols on the Multi-Bell machine appear to be the same each time the Multi-Bell machine is played regardless of the number of symbols the player chooses to wager on. Applicant therefore respectfully submits that independent Claims 1, 12, 15, 18 and 25, as well as Claims 2 to 11, 13, 14, 16, 17, 19 to 24, 26 to 34, 38, and 39 that depend therefrom, are each patentably distinguished from the Multi-Bell machine of Geddes. Reconsideration is respectfully requested.

An earnest endeavor has been made to place this application in condition for formal allowance and in the absence of more pertinent art such action is courteously solicited. If the Examiner has any questions regarding this Response, applicant respectfully requests that the Examiner contact the undersigned.

Respectfully submitted,

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